



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET- SUITE 200

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

SEP 26 2006

Ref: 8ENF-UFO

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

Douglas English, President and Registered Agent
English Feedlot, Inc.
14111 County Road #2
Wiggins, CO 80654

Re: UNDERGROUND INJECTION
CONTROL PROGRAM (UIC)
Complaint with Notice of Opportunity
for Hearing

Dear Mr. English:

The enclosed document is a Complaint with Notice of Opportunity for Hearing (Complaint) for violations of the Safe Drinking Water Act (SDWA). Please have English Feedlot, Inc., (English Feedlot) carefully read the Complaint soon, since it describes English Feedlot's rights and responsibilities in this matter as well as EPA's authority, the factual basis of the violations, and the background for the proposed penalties. Also enclosed is a copy of the Rules of Practice that govern these proceedings, the required Public Notice associated with this Complaint and, in case English Feedlot meets the criteria, an information sheet about the Small Business Regulatory Enforcement Fairness Act.

English Feedlot is required to take action within 30 calendar days of your receipt of this Complaint to avoid the possibility of having a default judgment entered against English Feedlot that could impose the penalty amount proposed in the Complaint.

Whether or not English Feedlot requests a hearing, we encourage an informal conference with EPA concerning the alleged violations in an effort to negotiate a settlement. English Feedlot may wish to appear at an informal conference and/or be represented by legal counsel. To arrange for such a conference, English Feedlot should contact Marc D. Weiner, Enforcement Attorney, Legal Enforcement Program, at the number provided below. Request for such a conference does not extend the 30 calendar day period during which a request for hearing must be submitted.

Public Notice of EPA's Complaint and the opportunity to provide written comments on the Complaint is being provided pursuant to section 1423 (c)(3)(B) of the SDWA, 42 U.S.C. § 300h-2(c)(3)(B). Should a hearing be held, any person who comments on the Complaint has a right to participate in the hearing.

If English Feedlot has technical questions relating to this matter, the person most knowledgeable on my staff is Carol L. Hutchings, UIC Enforcement Team, Technical Enforcement Program, at 1-800-227-8917 ext. 6485 or (303) 312-6485. For all legal questions, the person most knowledgeable on my staff is Marc D. Weiner at 1-800-227-8917 ext. 6913 or (303) 312-6913. Mrs. Hutchings and Mr. Weiner can also be reached at the following addresses:

Carol L. Hutchings (Mail Code 8ENF-UFO)
U.S. EPA Region 8
999 18th Street, Suite 200
Denver, Colorado 80202-2466, or

Marc Weiner (Mail Code 8ENF-L)
Enforcement Attorney
U.S. EPA Region 8
999 18th Street, Suite 200
Denver, Colorado 80202-2466

We urge English Feedlot's prompt attention to this matter.

Sincerely,



Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

Complaint and Opportunity to Request Hearing
40 C.F.R. Part 22
Public Notice
U.S. EPA Small Business Resources Fact Sheet

1 UNITED STATES
2 ENVIRONMENTAL PROTECTION AGENCY
3 REGION 8

4 Docket No. SDWA-08-2006-0066

2006 SEP 26 PM 2:34

5
6 In the Matter of:)

7)
8 English Feedlot, Inc.)

9 14111 County Road #2)

10 Wiggins, Colorado 80654)

11 Respondent.)
12
13

FILED
EPA REGION VIII
HEARING CLERK
**COMPLAINT with
Notice of Opportunity
for Hearing**

14 **Proceeding under Section 1423(c) of the**
15 **Safe Drinking Water Act 42 U.S.C. § 300h-2(c)**
16

17 **INTRODUCTION**
18

- 19 1. This civil administrative enforcement action is authorized by Congress in section
20 1423(c) of the Public Health Service Act, also known as the Safe Drinking Water
21 Act (SDWA or the Act), 42 U.S.C. § 300h-2(c).
22
23 2. The Environmental Protection Agency (EPA) has promulgated regulations as
24 required by the Act. They are set out in part 144 of title 40 of the Code of Federal
25 Regulations (40 C.F.R. Part 144). Violations of the Act, the regulations, or
26 permits issued pursuant to the Act, constitute violations of the Act.
27
28 3. *The Consolidated Rules of Practice Governing the Administrative Assessment of*
29 *Civil Penalties, Issuance of Compliance or Corrective Action Orders and the*
30 *Revocation, Termination or Suspension of Permits*, 40 C.F.R. part 22 (Rules of
31 Practice), govern this action. A copy of the Rules of Practice is enclosed.
32
33 4. The undersigned EPA official has been properly delegated the authority to issue
34 this Proposed Order and Penalty Complaint with Notice of Opportunity for
35 Hearing (Complaint).
36
37 5. In this Complaint EPA alleges that English Feedlot, Inc. (Respondent) has
38 violated the Act at the facility described in paragraph 13 below, and proposes the
39 assessment of a civil penalty, as more fully explained below.
40

41 **NOTICE OF OPPORTUNITY FOR A HEARING**
42

- 43 6. You (Respondent) have the right to a public hearing before an administrative law
44 judge to disagree with any factual allegation made by EPA in this Complaint or
45 the appropriateness of the proposed penalty, or to present the grounds for any
46 legal defense you may have.
47
48

1 7. To ensure you retain your right to a hearing on any aspect of this Complaint, you
2 must file a written answer and one copy with the Region 8 Hearing Clerk at the
3 following address:

4
5 Region 8 Hearing Clerk
6 999 18th Street; Suite 200 (8RC)
7 Denver, Colorado 80202-2466
8

9 within thirty (30) calendar days of receiving this complaint (*see*, 40 C.F.R. §
10 22.15(a)). The answer must clearly admit, deny or explain each factual allegation
11 of the Complaint, the grounds for any defense, the facts you may dispute, and
12 your specific request for a public hearing. Please see section 22.15 of the Rules
13 of Practice for a complete description of what must be in the answer. **FAILURE**
14 **TO FILE AN ANSWER AND REQUEST FOR HEARING WITHIN**
15 **THIRTY (30) CALENDAR DAYS MAY WAIVE YOUR RIGHT TO**
16 **DISAGREE WITH THE ALLEGATIONS OR PROPOSED PENALTY,**
17 **AND RESULT IN A DEFAULT JUDGMENT AND ASSESSMENT OF**
18 **THE PENALTY PROPOSED IN THE COMPLAINT, OR UP TO THE**
19 **MAXIMUM AUTHORIZED BY THE ACT.**
20

21 QUICK RESOLUTION

22
23 8. You may resolve this proceeding at any time by paying the penalty amount
24 proposed below. Such action to make payment need not contain any response to,
25 or admission of, the allegations herein. Such action to make payment constitutes
26 a waiver of your right to contest the allegations and to appeal the final order.
27 Please see section 22.18 of the Rules of Practice for a full explanation of the quick
28 resolution process.
29

30 SETTLEMENT NEGOTIATIONS

31
32 9. EPA encourages discussing whether cases can be settled through informal
33 settlement conferences. If you want to pursue the possibility of settling this
34 matter, or have any other questions, contact Marc D. Weiner, Enforcement
35 Attorney, at 1-800-227-8917, extension 6913; or 303-312-6913, or by mail at the
36 address identified in paragraph 46 below. **Please note that calling Mr. Weiner**
37 **or requesting a settlement conference in writing does NOT delay the running**
38 **of the thirty (30) day period for filing an answer and requesting a hearing.**

GENERAL ALLEGATIONS

The following general allegations apply to all times relevant to this action, and to each count of this Complaint.

10. Pursuant to section 1422 of the Act, 42 U.S.C. § 300h-1, and 40 C.F.R. § 147.301, EPA administers the Underground Injection Control (UIC) program for Class V wells in the State of Colorado. The effective date of the program is June 25, 1984. The program requirements are located at 40 C.F.R. parts 124, 144, 146, 147, and 148.
11. Respondent is a corporation incorporated in the State of Colorado and authorized and in good standing to do business in Colorado.
12. Respondent is a "person" within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12).
13. Respondent owns and operates cattle feedlots and a cattle management business under the name English Feetlot, Inc., located at 14111 County Road # 2, Wiggins, Co. 80654 (Facility).
14. Pursuant to 40 C.F.R. § 144.26, owners or operators of Class V injection wells are required to provide inventory information to EPA.
15. By letter dated October 10, 2001, EPA Region 8 requested that Respondent provide basic inventory information to EPA regarding the shallow injection well(s) Respondent operated at the Facility. A blank Shallow Well Injection Well Inventory Request form was enclosed with the letter.
16. On October 19, 2001, EPA Region 8 received a completed Shallow Well Injection Well Inventory Request form from Respondent dated October 16, 2001 (Inventory Form).
17. The Inventory Form indicated that sanitary waste and waste from floor drain(s) and/or sink(s) in a shop area/maintenance bay are connected to a septic system, drainfield, or cesspool; and that other wastes are stored in a holding tank and are hauled off-site or are discharged to a lagoon or pond.
18. On September 13, 2002, EPA conducted a routine inventory verification inspection of the Facility (2002 inspection).
19. During the 2002 inspection, a Facility representative explained that the two bathrooms in the office and one bathroom in the small adjacent house serving approximately 8 persons were connected to one septic system with outflow to a leachfield. He stated the bathroom in the shop area and the floor drain in the maintenance shop discharges to a two compartment septic tank with its own leachfield. That each septic tank held approximately 1000 gallons and was pumped twice a year.

- 1 20. During the 2002 inspection, the Facility representative stated that the floor drain
2 was primarily used for washing down the floors and ice/snow melt. The used
3 anti-freeze and oil are recycled at the local Coop and the animal waste from the
4 feedlots is land farmed.
- 5
- 6 21. The Septic System in the shop maintenance area is a well (*see, e.g.*, 40 C.F.R. §§
7 144.1(g)(1) and (2)).
- 8
- 9 22. Respondent's Septic System in the maintenance shop area is a motor vehicle
10 waste disposal well as described at 40 C.F.R. § 144.81(16), and, thus, a Class V
11 Injection Well as defined at 40 C.F.R. §§ 144.6(e) and 146.5(e) (the Class V
12 Well).
- 13
- 14 23. Fluids disposed of in the Class V Well may contain organic and inorganic
15 chemicals in concentrations that exceed the maximum contaminant levels (MCLs)
16 established by the primary drinking water regulations (found at 40 C.F.R. part
17 141). These fluids also may include waste petroleum products containing
18 contaminants such as heavy metals and volatile organic compounds, which pose
19 risks to human health. *See*, 40 C.F.R. § 144.81(16).
- 20
- 21 24. EPA mailed a UIC Shallow Injection Well Program letter to Respondent dated
22 March 12, 2004 (Permit or Close Letter). It was received by Respondent on
23 March 18, 2004.
- 24
- 25 25. The Permit or Close Letter required Respondent to either: (a) submit a completed
26 permit application for continued use of the Class V Well within thirty (30) days of
27 receipt of the letter; or (b) submit a written plan detailing changes to, or closure
28 of, the Class V Well, which actions were to be completed within sixty (60) days
29 of receipt of the letter.
- 30
- 31 26. On or about April 7, 2004, Mr. Douglas English, President of Respondent,
32 contacted EPA to discuss the requirements of the Permit or Close Letter, and
33 indicated that English Feedlot, Inc. planned to permanently close the motor
34 vehicle waste disposal well and that they would send the plan for closure within
35 two weeks.
- 36
- 37 27. On April 19, 2004, EPA received a letter from Respondent with a plan to seal off
38 the floor drain from the septic system.
- 39
- 40 28. On May 13, 2004, EPA received a letter and photograph from the Respondent,
41 stating the floor drain in the maintenance shop was sealed.
- 42
- 43 29. On July 21, 2005, EPA conducted a routine post closure inspection of the Facility
44 (2005 inspection).
- 45
- 46 30. During the 2005 Inspection, the EPA representative found that the drains of
47 concern were not permanently closed, a metal plate had been placed over the
48 drain, but was not sealed. The drain could still take fluid waste around the plate

1 and the plate could be removed. Rust on the underside of the plate indicated it
2 had been wet.

3
4 31. During the 2005 inspection, the EPA representative notified the Facility
5 representative that the closure of the motor vehicle waste disposal well could not
6 be considered a permanent closure because fluid waste could still enter the drain
7 around the edge of the metal plate. The metal plate covering the floor drain
8 would have to be sealed, so that fluid could not enter the drain. The Facility
9 representative stated they would get the drain permanently sealed right away.

10
11 32. By letter dated May 11, 2006, EPA notified Respondent that Respondent had
12 failed to comply with the deadline for permanently closing the Class V Well at the
13 Facility, and so was in violation of 40 C.F.R. § 144.12(c), and in violation of 40
14 C.F.R. § 144.12(a) for operating a Class V Well in a manner that may allow the
15 movement of fluid containing contaminants in concentrations above the "MCLs"
16 for primary drinking water standards or at levels, that could otherwise adversely
17 affect the health of persons.

18
19 33. The May 11, 2006, letter required Respondent to: confirm in writing
20 Respondent's plans for alternative disposal and closure of the Class V Well within
21 ten (10) days of receipt; permanently close the Class V Well within thirty (30)
22 days of receipt; and provide documentation of such closure within thirty (30) days
23 of completion of closure work.

24
25 34. On May 16, 2006, EPA representatives performed a routine post-closure
26 inspection at the Facility (2006 Inspection).

27
28 35. During the 2006 inspection, the EPA representatives observed the metal plate
29 covering the floor drain had not yet been permanently sealed. The EPA
30 representatives told the Facility representative that the drain had to be
31 permanently sealed, so that it could not receive any fluid wastes. The Facility
32 representative assured the EPA representatives the work would be completed
33 immediately.

34
35 36. On May 19, 2006, EPA received a letter from the Respondent that stated the floor
36 drain had been filled with concrete on May 16, 2006. A photograph of the drain
37 filled with concrete to the floor level was attached.

38
39 37. The Class V Well may be affecting the shallow South Platte River Basin alluvial
40 deposits.

41
42
43 **COUNT 1**

44
45 38. Respondent is in violation of 40 C.F.R. §§ 144.12(a) and 144.82(a)(1) by owning,
46 operating or maintaining a Class V disposal facility which, through injection
47 activity, allows the movement of fluid containing any contaminant into
48 underground sources of drinking water, where the presence of that contaminant

1 may cause a violation of any primary drinking water regulation or may otherwise
2 adversely affect the health of persons. Duration of violation is from the date the
3 Class V motor vehicle waste disposal well was required to permanently close of
4 May 17, 2004 to May 16, 2006, the date the well was permanently closed.

5
6 **COUNT 2**
7

- 8 39. Respondent is in violation of 40 C.F.R. §§ 144.12(c)(1) and (2) and 40 C.F.R. §
9 144.8(B) for failure to close or retrofit the Class V Well in a manner that would
10 keep contaminants from entering the USDW. Duration of violation is from the
11 date the Class V motor vehicle waste disposal well was required to permanently
12 close of May 17, 2004 to May 16, 2006, the date the well was permanently
13 closed.

14 **PROPOSED CIVIL PENALTY**
15

- 16 40. The Act, as amended, authorizes the assessment of a civil penalty of up to
17 \$32,500.00 per day for each violation, 42 U.S.C. § 300h-2(b).
18
19 41. The Act requires EPA to take into account the following factors in assessing a
20 civil penalty: the nature, circumstances, extent and gravity of the violations; any
21 economic benefit or savings gained resulting from the violations; Respondent's
22 history of such violations; Respondent's culpability for the violations;
23 Respondent's good-faith efforts to comply with applicable requirements; the
24 economic impact of the penalty on the Respondent; and other factors that justice
25 may require. 42 U.S.C. § 300h-2(c)(4)(B).
26
27 42. Based on consideration of the facts as known to EPA at this time (and set forth
28 above) in light of the statutory factors, EPA calculates Respondent should pay
29 total penalty of \$57,000.00 for the violations alleged herein.
30

31 Nature, Circumstances, Extent, and Gravity of Violations
32

33 Each of the violations is serious because of the threats to the quality and health of
34 the aquifer(s) and the potential threats to health of persons posed by Respondent's
35 noncompliance. Further, although the total economic benefit Respondent has
36 enjoyed by not coming into compliance is nominal, Respondent took years to
37 come into compliance, even after direct notice from EPA. While there can be
38 little argument that Respondent has been responsible for maintaining compliance
39 from the effective date of the program, for purposes of calculating a proposed
40 penalty EPA is only considering Respondent's non-compliance from the closure
41 date specified in the Permit or Close Letter (May 17, 2004) through the date Mr.
42 English stated that the drains of concern were addressed (May 16, 2006).

1 Economic Benefit

2
3 As noted above, for both counts Respondent enjoyed a nominal economic benefit
4 by not expending money to come into compliance. The period for which EPA is
5 calculating economic benefit also begins on May 17, 2004, and ends May 16,
6 2006.

7
8 Prior Compliance History

9
10 EPA Region 8 has not taken any prior formal enforcement actions against
11 Respondent requiring compliance with the applicable UIC regulations.

12
13 Degree of Culpability

14
15 Respondent operates the Facility. Since at least March 2004, Respondent has had
16 actual notice of the requirements and ample opportunity to spend the small
17 amount it took to come into compliance. Respondent was also aware of the
18 threats to the Aquifers during this time.

19
20 Good-Faith Efforts to Comply

21
22 Respondent has recently come into compliance. Particularly given the cost of
23 coming into compliance, however, the amount of time it took to comply after
24 formal notice from EPA mitigates against reducing the proposed penalty for this
25 factor.

26
27 Ability to Pay

28
29 Because one source of independent financial documentation obtained by EPA
30 shows sales of nine million dollars in one year, EPA did not reduce the proposed
31 penalty due to this factor. EPA will consider information Respondent may
32 present regarding Respondent's ability to pay the proposed penalty.

33
34 Other Factors that Justice may Require

35
36 Because no information is available to EPA upon which an adjustment for this
37 factor can be made, EPA has made no additional adjustments to the penalty.

- 38
39 43. Respondent's payment of the penalty shall be made by money order or certified
40 check made payable to "Treasurer, United States of America" and mailed to the
41 following address:

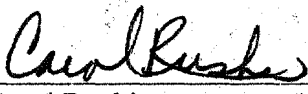
42
43 EPA - Region 8
44 Regional Hearing Clerk
45 P.O. Box 360859
46 Pittsburgh, Pennsylvania 15251.
47
48

1
2 A copy of said check shall be mailed to the following address:
3

4 Marc D. Weiner (8ENF-L)
5 Enforcement Attorney
6 EPA Region 8
7 999 18th Street, Suite 200
8 Denver, Colorado 80202-2466.
9

- 10 44. The provisions of this complaint shall apply to and be binding upon Respondent,
11 its officers, directors, agents, servants, employees, and successors or assigns.
12
13 45. As required by the Act, prior to the assessment of a civil penalty, EPA will
14 provide public notice of the proposed penalty, and reasonable opportunity for the
15 public to comment on the matter, and present evidence in the event a hearing is
16 held. 42 U.S.C. § 300h-2(c)(3)(B).
17
18 46. This complaint does not constitute a waiver, suspension, or modification of the
19 requirements of any applicable provision of the Act or the UIC regulations
20 implementing the Act, which remain in full force and effect. Issuance of this
21 complaint is not an election by the EPA to forego any civil or any criminal action
22 otherwise authorized under the Act.
23
24

25 Issued this 26th day of September, 2006.
26
27

28
29 
30 _____
31 Carol Rushin
32 Assistant Regional Administrator
33 Office of Enforcement, Compliance,
34 and Environmental Justice
35 U.S. EPA, Region 8
36 999 18th Street, Suite 200
37 Denver, CO 80202-2466

**U.S. ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE
OPPORTUNITY FOR PUBLIC COMMENT ON
COMPLAINT WITH
NOTICE OF OPPORTUNITY FOR HEARING
AGAINST
ENGLISH FEEDLOT, INC.
FOR FAILURE TO COMPLY WITH
UNDERGROUND INJECTION CONTROL REGULATIONS**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to solicit written comments on a Complaint with Notice of Opportunity for Hearing (Complaint) [Docket No. SDWA-08-2006-0066] that Region 8 of the United States Environmental Protection Agency (EPA) proposes to issue to English Feedlot, Inc. for alleged violations at its facility located at 14111 County Road #2, Wiggins, Colorado. The Complaint alleges violations of the Safe Drinking Water Act (SDWA) and the regulations detailing the requirements of the SDWA's Underground Injection Control (UIC) program. These regulations govern the injection of fluids that may endanger an underground source of drinking water (USDW). The Complaint proposes monetary penalties for the alleged violations.

The EPA desires to receive written comments from any interested party having knowledge of the alleged violations or who can provide any information useful to ensure that the proposed penalty is appropriate. EPA will review all relevant comments received, and will thereafter determine whether to modify or withdraw the Complaint or whether to modify the proposed penalty.

BACKGROUND

Part C of the SDWA requires the EPA to regulate underground injection of fluid through wells to assure that underground sources of drinking water (USDW) are not endangered. Section 1421 of the SDWA requires EPA to administer UIC programs in States that do not have approved State UIC programs. Regulation of the UIC Class V Program has not been delegated to the State of Colorado; therefore, EPA administers the program in accordance with title 40 of the Code of Federal regulations (40 C.F.R.), Parts 124, 144, 146, 147, and 148.

The Class V disposal system which is the subject of this Complaint, is owned and operated by English Feedlot, Inc., and is located at 14111 County Road #2, Wiggins, Colorado. A Class V injection well, pursuant to 40 C.F.R. 144.6 and 146.5, is a shallow injection well that injects fluids into or above a USDW. The well subject to this Complaint is of the subclass titled "motor vehicle waste disposal well," and is used to dispose of internal combustion engine repair and maintenance facility waste.

The Complaint alleges that English Feedlot, Inc., is in violation of UIC regulations and is subject to appropriate penalties for failing to: (a) prevent movement of fluids into a USDW that may cause a violation of a primary drinking water regulation under 40 C.F.R. Part 142 or otherwise adversely affect the health of persons and (b) to close or retrofit the Class V disposal system in a timely manner that would keep contaminants from entering a USDW. The Complaint proposes that EPA assess an administrative civil penalty in the amount fifty-seven thousand dollars (\$57,000.00).

PUBLIC COMMENTS

Written comments on the Complaint are encouraged and will be accepted at the address listed below for a period of thirty (30) days after the publication of this notice. Written comments submitted by the public as well as information submitted by English Feedlot, Inc., will be available for public review as part of the Administrative Record, subject to the provisions of law restricting the disclosure of confidential information. English Feedlot, Inc. may request a hearing. Any person submitting written comments will be notified of and has a right to participate in such a hearing. The Complaint and the Administrative Record are available for review between 9:00 a.m. and 4:00 p.m. at the address listed below. It is recommended that those wishing to view the Administrative Record call Marc D. Weiner, Enforcement Attorney, Legal Enforcement Program, EPA Region 8, at (303) 312-6913 before visiting the EPA Region 8 offices.

Please submit written comments to:

Tina Artemis (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
999 18th Street, Suite 200
Denver, Colorado 80202-2466

A copy of the Complaint will also be available for public review Monday-Friday between 8:00 a.m. and 4:00 p.m. at the Morgan County Clerk & Recorder's Office, 231 Ensign Street, Fort Morgan, Colorado.

Any person interested in receiving their own copy of this or any future public notice of a UIC administrative action can call Carol Lee Hutchings in the UIC program, EPA Region 8, at (303) 312-6485.

THE DECISION

EPA will review and consider all public comments received on the public notice and will thereafter determine whether to modify or withdraw the Complaint, whether to modify the proposed penalty and/or compliance requirements. If the Complaint is revised, copies shall be provided to all parties and to all members of the public who have commented.

Elisabeth Evans

Elisabeth Evans, Director
Technical Enforcement Program
Office of Enforcement, Compliance, and
Environmental Justice
U.S. EPA, Region 8
999 18th Street, Suite 300
Denver, CO 80202-3466

IN THE MATTER OF:
DOCKET NUMBER:

HYLON- KOBURN CHEMICALS INC.
DOCKET NO. SDWA-08-2006-0066

CERTIFICATE OF SERVICE

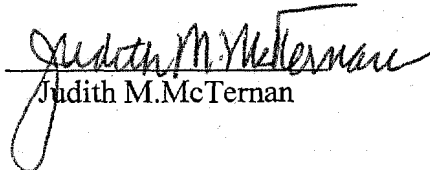
The undersigned hereby certifies that the original and one copy of the Administrative Complaint and Notice Of Opportunity for Hearing was hand-delivered to:

Region VIII Hearing Clerk
U.S. Environmental Protection Agency
999-18th Street
Denver, Colorado 80202-2466

And that a true copy of the same was sent by certified mail, return receipt requested to:

Douglas English, President and Registered Agent
English Feedlot, Inc.
1411 County Road #2
Wiggins, CO 80654

9/26/06
Date


Judith M. McTernan

**U.S. ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE
OPPORTUNITY FOR PUBLIC COMMENT ON
COMPLAINT WITH
NOTICE OF OPPORTUNITY FOR HEARING
AGAINST
ENGLISH FEEDLOT, INC.
FOR FAILURE TO COMPLY WITH
UNDERGROUND INJECTION CONTROL REGULATIONS**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to solicit written comments on a Complaint with Notice of Opportunity for Hearing (Complaint) [Docket No. SDWA-08-2006-0066] that Region 8 of the United States Environmental Protection Agency (EPA) proposes to issue to English Feedlot, Inc. for alleged violations at its facility located at 14111 County Road #2, Wiggins, Colorado. The Complaint alleges violations of the Safe Drinking Water Act (SDWA) and the regulations detailing the requirements of the SDWA's Underground Injection Control (UIC) program. These regulations govern the injection of fluids that may endanger an underground source of drinking water (USDW). The Complaint proposes monetary penalties for the alleged violations.

The EPA desires to receive written comments from any interested party having knowledge of the alleged violations or who can provide any information useful to ensure that the proposed penalty is appropriate. EPA will review all relevant comments received, and will thereafter determine whether to modify or withdraw the Complaint or whether to modify the proposed penalty.

BACKGROUND

Part C of the SDWA requires the EPA to regulate underground injection of fluid through wells to assure that underground sources of drinking water (USDW) are not endangered. Section 1421 of the SDWA requires EPA to administer UIC programs in States that do not have approved State UIC programs. Regulation of the UIC Class V Program has not been delegated to the State of Colorado; therefore, EPA administers the program in accordance with title 40 of the Code of Federal regulations (40 C.F.R.), Parts 124, 144, 146, 147, and 148.

The Class V disposal system which is the subject of this Complaint, is owned and operated by English Feedlot, Inc., and is located at 14111 County Road #2, Wiggins, Colorado. A Class V injection well, pursuant to 40 C.F.R. 144.6 and 146.5, is a shallow injection well that injects fluids into or above a USDW. The well subject to this Complaint is of the subclass titled "motor vehicle waste disposal well," and is used to dispose of internal combustion engine repair and maintenance facility waste.

The Complaint alleges that English Feedlot, Inc., is in violation of UIC regulations and is subject to appropriate penalties for failing to: (a) prevent movement of fluids into a USDW that may cause a violation of a primary drinking water regulation under 40 C.F.R. Part 142 or otherwise adversely affect the health of persons and (b) to close or retrofit the Class V disposal system in a timely manner that would keep contaminants from entering a USDW. The Complaint proposes that EPA assess an administrative civil penalty in the amount fifty-seven thousand dollars (\$57,000.00).

PUBLIC COMMENTS

Written comments on the Complaint are encouraged and will be accepted at the address listed below for a period of thirty (30) days after the publication of this notice. Written comments submitted by the public as well as information submitted by English Feedlot, Inc., will be available for public review as part of the Administrative Record, subject to the provisions of law restricting the disclosure of confidential information. English Feedlot, Inc. may request a hearing. Any person submitting written comments will be notified of and has a right to participate in such a hearing. The Complaint and the Administrative Record are available for review between 9:00 a.m. and 4:00 p.m. at the address listed below. It is recommended that those wishing to view the Administrative Record call Marc D. Weiner, Enforcement Attorney, Legal Enforcement Program, EPA Region 8, at (303) 312-6913 before visiting the EPA Region 8 offices.

Please submit written comments to:

Tina Artemis (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
999 18th Street, Suite 200
Denver, Colorado 80202-2466

A copy of the Complaint will also be available for public review Monday-Friday between 8:00 a.m. and 4:00 p.m. at the Morgan County Clerk & Recorder's Office, 231 Ensign Street, Fort Morgan, Colorado.

Any person interested in receiving their own copy of this or any future public notice of a UIC administrative action can call Carol Lee Hutchings in the UIC program, EPA Region 8, at (303) 312-6485.

THE DECISION

EPA will review and consider all public comments received on the public notice and will thereafter determine whether to modify or withdraw the Complaint, whether to modify the proposed penalty and/or compliance requirements. If the Complaint is revised, copies shall be provided to all parties and to all members of the public who have commented.

Elisabeth Evans

Elisabeth Evans, Director
Technical Enforcement Program
Office of Enforcement, Compliance, and
Environmental Justice
U.S. EPA, Region 8
999 18th Street, Suite 300
Denver, CO 80202-3466



U.S. Environmental Protection Agency Underground Injection Control Program

[Recent Additions](#) | [Contact Us](#) | [Print Version](#) Search:



[EPA Home](#) > [Water](#) > [Ground Water & Drinking Water](#) > [Underground Injection Control Program](#) > [Shallow Disposal Systems](#) > What Should I Know About Motor Vehicle Waste Disposal Wells?

[Shallow Disposal Systems](#)

[Minimum Requirements](#)

[Class V Rule](#)

[Other Class V Wells](#)

[Key Terms](#)

[More Information](#)

[Quick Find](#)

What Should I Know About Motor Vehicle Waste Disposal Wells?

During normal vehicle repair and maintenance activities, vehicle fluids may drip or spill or otherwise enter floor drains or sinks in service areas. These fluids may include: engine oil, transmission fluid, power steering fluid, brake fluid, hydraulic fluid, antifreeze, chlorinated or non-chlorinated parts-cleaning solvents and degreasers. If your facility has an onsite disposal system (e.g., a dry well or septic system), these fluids can introduce various toxic chemicals into sources of drinking water.

Who Should Read This Page?

If you are currently operating a motor vehicle waste disposal well that receives or has received fluids from vehicular repair or maintenance activities, you should read this section.

In general, some of the potentially regulated businesses include:

- automotive service stations
- new and used car dealers
- auto body shops
- muffler repair shops
- truck stops
- boat yards
- vehicle repair home businesses
- transmission repair shops
- car and truck rental agencies
- light airplane maintenance facilities
- farm machinery dealers
- railroad maintenance facilities

What Is A Motor Vehicle Waste Disposal Well?

This Site Will Help You:

Figure out if your facility generates motor vehicle waste.

Find out if your floor drain or work sink discharges into a shallow disposal system.

Determine if your facility is affected by the new requirements for motor vehicle waste disposal wells.

Learn when you must comply.

Make sure you know how to properly close your well.

Select alternative management options for motor vehicle wastes.

Understand the minimum permit requirements if you keep your well open.

[Who Should Read This Page?](#)

[What Is A Motor Vehicle Waste Disposal Well?](#)

[How Do I know if I Have One?](#)

PLEASE READ . . . A motor vehicle waste disposal well is classified by the waste it receives (fluids from vehicular repair) and NOT by the construction of the shallow disposal system that receives the waste.

**motor
vehicle
waste
disposal
well
is
a
type**

of **Class V** injection well. Typically they are shallow disposal systems that receive or have received fluids from vehicular repair or maintenance activities, such as an auto body repair shop, automotive repair shop, new and used car dealership, specialty repair shop (e.g., transmission and muffler repair shop), or any area where vehicular repair work is performed.

[What Are The Closure Requirements?](#)

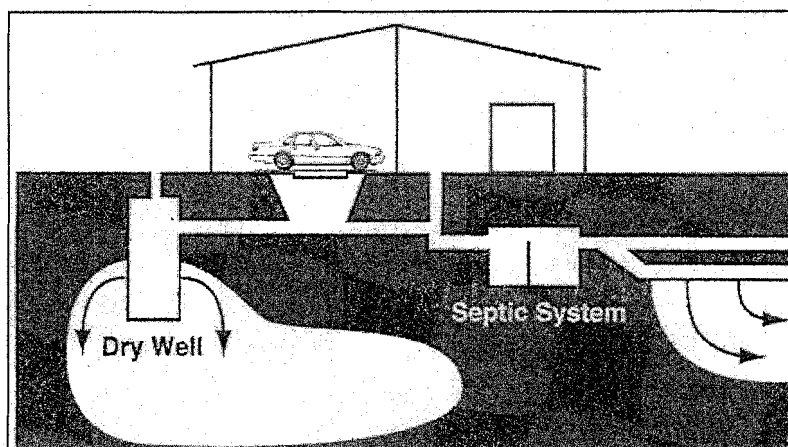
[What Are The Permit Requirements?](#)

[Best Management Practices](#)

[Time Line](#)

Examples of Motor Vehicle Waste Disposal Wells

[Large Capacity Cesspools](#)



Generally, motor vehicle waste disposal wells are floor drains or sinks in service bays that are tied into a shallow disposal system. Most commonly, these shallow disposal systems are **septic systems** or **drywells**, but any underground system that receives motor vehicle waste would be considered a motor vehicle waste disposal well. A variety of names are used to describe shallow disposal systems including: cesspools, catchbasins, sink holes, underground vaults, or drain tanks to name a few.

Definitions

Class V refers to one of the five types of injection practices that States and the EPA regulate under the UIC Program (40 CFR § 144.80).

A **Septic system** means a "well" that is used to discharge sanitary waste below the surface and is typically comprised of a septic tank and a subsurface fluid distribution system or disposal system.

A **Drywell** means a well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

For additional definitions see [What Key Terms Should I Know?](#)

How Do I know If I Have a Motor Vehicle Waste Disposal Well?

Answer the following questions to determine if you have a motor vehicle waste disposal well and if the new rule applies to you.

Questions:	If Your Answer is Yes...	If Your Answer is No...
1. Does your facility service motor vehicles? Examples: cars, trucks, buses, motorcycles, powerboats, all terrain vehicles, snowmobiles, farm tractors, construction machineries, trains, helicopters, airplanes, jet skis, and other motorized vehicles.	Go to question 2.	You are not affected by the new rule. Stop here.
2. Does your facility have floor drains or sinks in the vehicle service areas?	Go to question 3.	You are not affected by the new rule. Stop here.
3. Are all of your floor drains and sinks connected to a municipal sewer? (see note below)	You are not affected by the new rule. Stop here.	Go to question 4.
4. Are all of your floor drains and sinks connected to a holding tank, and is the waste in the holding tank disposed of off-site? (see note below)	You are not affected by the new rule. Stop here. (However, you may be subject to other State or Federal disposal requirements.)	Go to question 5.
5. Are you discharging all of your motor vehicle service wastewater directly to surface waters or onto land? (see note below)	You are not affected by the new rule. Stop here. (However, you may be subject to other State or Federal disposal requirements.)	You may be disposing of motor vehicle service wastewater into a shallow disposal system such as a septic system or drywell and thus have a motor vehicle waste disposal well.

Note: Any building plans showing wastewater flow may reflect the intent of the architect and not necessarily the results of the builder. Also, they probably do not include any renovations since your shop was built. To be sure where your wastewater goes, use dye or smoke tests to help locate the discharge points for your floor drains and sinks. Your local health department or a plumber may be able to help you determine where your drain goes.

What Are The New Class V Rule Requirements for Motor Vehicle Waste Disposal Wells?

New motor vehicle waste disposal wells are **banned nationwide** as of April 5, 2000 (Sections (§§) 144.84(b)(2), 144.85(c) and 144.88(b)(2)).

Existing motor vehicle waste disposal wells are **banned in ground water protection areas and other sensitive ground water areas**. States or EPA may waive the ban and allow owners and operators to obtain a permit. (§§ 144.85(b) and 144.88 (b)(1)).

Definitions

Ground water protection areas are those areas that currently provide short term recharge of ground water to: 1) public drinking water wells that serve communities; and 2) other establishments that serve the same people every day (such as schools). States must conduct Source Water Assessments to delineate these areas and to identify all potential sources of contamination within these areas. (§144.86).

Other sensitive ground water areas are those areas outside of ground water protection areas that a State has decided need additional protection from motor vehicle waste disposal wells. States will identify these areas based on their sensitivity to ground water contamination and may include areas with a large number of private drinking water wells, ground water recharge areas, limestone and volcanic rock formations, or shallow ground water.

For additional definitions see What Key Terms Should I Know?

To find out if your motor vehicle waste disposal well is located in a ground water protection or other sensitive ground water area:

- Your State may notify you directly that you are in one of these areas, or
- Your State may announce the location of these areas through newspapers, television, the Internet, or other means.
- You can contact your State UIC Program or Drinking Water Source Assessment and Protection Program.
- You may also ask EPA for a State list: call the Safe Drinking Water Hotline at (800) 426-4791.

PLEASE READ... This section outlines the minimum Federal requirements for motor vehicle waste disposal wells. Some States may have more stringent requirements for these wells. For example: some States may ban motor vehicle waste disposal wells (not allowing owners or operators to apply for a waiver) while others may decide to apply the new motor vehicle waste disposal well requirements statewide, in which case, you must close your well or apply for a permit regardless of the location of your motor vehicle waste disposal well. Contact the appropriate State UIC Program to find out about these added requirements.


If I'm In One Of These Areas, When Must I Comply?

- In general, the compliance date for this new rule would be between April 2001 and January 2005 for motor vehicle waste disposal wells located in ground water protection areas.
- For wells located in sensitive ground water areas, the compliance date could range from January 2004 to January 2008.
- The schedule for you to meet the regulatory requirements varies from State to State. Contact the Underground Injection Control Program in your State (see the list of UIC Program contacts) to find out when you will need to comply with the revised regulation.
- You can also call the Safe Drinking Water Hotline at (800) 426-4791 to find out whom to call in your State for this information.

If I Want To Close My Well, What Are The Federal Requirements?

The Federal minimum requirements for closure are as follows: You must close your motor vehicle waste disposal well in a "...manner that prevents movement of contaminated fluids into underground sources of drinking water, which may cause a violation of national drinking water standards or other health-based standards, or may adversely affect public health" (40 CFR §144.12).

YOU MUST:

1. Notify the appropriate State or EPA UIC Program in writing 30 days prior to closure (§ 144.88(b)(vii)). Contact your State UIC Program and ask if they want you to fill out a pre-closure notification form  or write a letter. Send this notification at least 30 days before physically closing the well.
2. Permanently plug or otherwise close the well in a way that ensures underground sources of drinking water are protected and is approved by the UIC Program (§ 146.10 (b) and (c)).
3. Dispose or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to your well according to all Federal, State, and local regulations and requirements (§ 146.10 (b) and (c)).

It is your responsibility to find out what your State UIC Program may require in addition to the minimum Federal requirements.

Your State's UIC Program may have additional or more specific requirements for the closure of motor vehicle waste disposal wells. Prior to closing your well, contact your UIC Program for guidance.

Example: If your floor drains are connected to your septic system, you may be required to clean out the drains and the pipes running to the septic tank, seal them off using cement and have a licensed or certified septic service check the content of your septic tank to see if it needs to be pumped out to get rid of any contaminated sludge. You may be required to sample surrounding soils and ground water to insure there is no contamination. After this is done, the septic system can be used to manage wastewater from bathrooms.

Post-Closure Alternatives for Motor Vehicle

Waste Disposal Wells

Following well closure, consider one of the following suggestions for managing motor vehicle service wastewater:

The Dry Shop: Minimize the use of water to clean service bays. Use absorbents and vacuums to pick up spills and drips. Dispose of these materials according to State guidelines and regulations. Place all used vehicle fluids in individual containers for proper off-site management.

Holding Tanks: Store the motor vehicle waste in a service bay wastewater holding tank. The tank can then be periodically pumped out for proper disposal. You may minimize the amount of wastewater that has to be stored by separating out shop wastewater from sanitary and vehicle washing wastewater -- and by cutting back on the amount of water used in your shop.

Sanitary Sewer Hookup: Contact the local sewer authority about the possibility of connecting floor drains to the sewer system. Often, system hook-up may be available even though it was not an option when the service bays were first built. Sewer hookups can be expensive. If connecting to a sanitary sewer will take time to complete, your UIC Program may extend the well closure deadline for up to one year. You are required to obtain special permission and probably, a temporary operating permit.

Conversion: In limited cases, a UIC Program may allow you to convert a motor vehicle waste disposal well to another type of Class V well (§144.89(b)). This option requires that all motor vehicle fluids be kept separated from drains using physical barriers and the waste prevented from entering the well. Also, your State UIC Program will examine your shop's compliance history and waste management records to determine whether or not to allow you to convert your motor vehicle waste disposal well.

Example: It has been estimated that a person generates about 25 gallons of sanitary wastewater per an 8-hour workday. This would add up to about 6,000 gallons of wastewater per year, per person. Separating sanitary wastewater from shop wastewater can lower hauling and management costs.

What Are The New Federal Requirements If I Request to Keep My Well Open?

Some States may allow you to apply for a waiver from the ban and continue using your well (§§144.84(b)(2), 144.87(a) and (c), and 144.88(b)(1)(ii)). In most cases, a waiver will take the form of a permit application. To apply for a permit, first contact the appropriate State UIC Program. Whether or not a waiver will be granted will depend on specific State requirements and your particular situation. Of course, if no waiver is granted, you must close the well.

If the State UIC Program grants you a waiver, you must follow the procedures outlined by the State or EPA Region. At a minimum, operating permits will require that (§144.88(b)(1)(iv)):

- Waste fluids must meet National Primary Drinking Water Standards (Maximum Contaminant Levels (MCLs)) and other health-based

standards at point of injection (§§ 144.3 and 146.3). This means that shop wastewater, before it is discharged into the ground, must not exceed any MCL or other health-based standard. See EPA's MCL web page: <http://www.epa.gov/OGWDW/mcl.html>.

- You must implement best management practices, as outlined in your permit, to minimize the discharge of contaminants into your shop wastewater.
- You must conduct monitoring to characterize the quality of the injectate (wastewater being discharged into the ground) and sludge, both initially and on an ongoing basis, to ensure continued compliance with MCLs. Your State UIC Program will determine the frequency of monitoring as part of the operating permit.

If your wastewater does not meet drinking water standards, you have two options:

1. Install new pretreatment equipment. Specific permission from the State or EPA Region will be necessary to extend a compliance deadline if it will take extra time to meet this requirement.
2. Close the well in accordance with the requirements and schedule specified by your State or EPA Region.

PLEASE READ . . . Remember, you are responsible for complying with the minimum Federal requirements for motor vehicle waste disposal wells in the Class V Rule. Failure to comply, may result in enforcement action, including penalties.

Need Help?

- What is my State's UIC Program Agency?
- What am I required to tell my State's UIC Program before closing my motor vehicle waste disposal well?
- What are the key terms that I should know?
- Where do I get more information?

[Safewater Home](#) | [About Our Office](#) | [Publications](#) | [Calendar](#) | [Links](#) | [Office of Water](#) | [En Español](#)

[EPA Home](#) | [Privacy and Security Notice](#) | [Contact Us](#)

Last updated on Tuesday, February 28th, 2006
URL: <http://www.epa.gov/safewater/uic/cl5oper/motorveh.html>

- 22.2 Use of number and gender.
- 22.3 Definitions.
- 22.4 Powers and duties of the Environmental Appeals Board, Regional Judicial Officer and Presiding Officer; disqualification, withdrawal, and reassignment.
- 22.5 Filing, service, and form of all filed documents; business confidentiality claims.
- 22.6 Filing and service of rulings, orders and decisions.
- 22.7 Computation and extension of time.
- 22.8 *Ex parte* discussion of proceeding.
- 22.9 Examination of documents filed.

Subpart B—Parties and Appearances

- 22.10 Appearances.
- 22.11 Intervention and non-party briefs.
- 22.12 Consolidation and severance.

Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding.
- 22.14 Complaint.
- 22.15 Answer to the complaint.
- 22.16 Motions.
- 22.17 Default.
- 22.18 Quick resolution; settlement; alternative dispute resolution.
- 22.19 Prehearing information exchange; prehearing conference; other discovery.
- 22.20 Accelerated decision; decision to dismiss.

Subpart D—Hearing Procedures

- 22.21 Assignment of Presiding Officer; scheduling the hearing.
- 22.22 Evidence.
- 22.23 Objections and offers of proof.
- 22.24 Burden of presentation; burden of persuasion; preponderance of the evidence standard.
- 22.25 Filing the transcript.
- 22.26 Proposed findings, conclusions, and order.

Subpart E—Initial Decision and Motion to Reopen a Hearing

- 22.27 Initial decision.
- 22.28 Motion to reopen a hearing.

Subpart F—Appeals and Administrative Review

- 22.29 Appeal from or review of interlocutory orders or rulings.
- 22.30 Appeal from or review of initial decision.

Subpart G—Final Order

- 22.31 Final order.
- 22.32 Motion to reconsider a final order.

Subpart H—Supplemental Rules

- 22.33 [Reserved]
- 22.34 Supplemental rules governing the administrative assessment of civil penalties under the Clean Air Act.
- 22.35 Supplemental rules governing the administrative assessment of civil penalties under the Federal Insecticide, Fungicide, and Rodenticide Act.
- 22.36 [Reserved]
- 22.37 Supplemental rules governing administrative proceedings under the Solid Waste Disposal Act.
- 22.38 Supplemental rules of practice governing the administrative assessment of civil penalties under the Clean Water Act.
- 22.39 Supplemental rules governing the administrative assessment of civil penalties under section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.
- 22.40 [Reserved]
- 22.41 Supplemental rules governing the administrative assessment of civil penalties under Title II of the Toxic Substances Control Act, enacted as section 2 of the Asbestos Hazard Emergency Response Act (AHERA).
- 22.42 Supplemental rules governing the administrative assessment of civil penalties for violations of compliance orders issued to owners or operators of public water systems under part B of the Safe Drinking Water Act.
- 22.43 Supplemental rules governing the administrative assessment of civil penalties against a federal agency under the Safe Drinking Water Act.
- 22.44 Supplemental rules of practice governing the termination of permits under section 402(c) of the Clean Water Act or under section 3008(a)(3) of the Resource Conservation and Recovery Act.
- 22.45 Supplemental rules governing public notice and comment in proceedings under sections 309(g) and 311(b)(5)(II) of the Clean Water Act and section 1423(c) of the Safe Drinking Water Act.
- 22.46-22.49 [Reserved]

Subpart I—Administrative Proceedings Not Governed by Section 554 of the Administrative Procedure Act

- 22.50 Scope of this subpart.
- 22.51 Presiding Officer.
- 22.52 Information exchange and discovery.
- AUTHORITY: 7 U.S.C. 136(f); 15 U.S.C. 2615; 33 U.S.C. 1319, 1342, 1361, 1416 and 1418; 42 U.S.C. 4321-4324, 4325, 4326, 4327, 4328, 4329, 4330, 4331, 4332, 4333, 4334, 4335, 4336, 4337, 4338, 4339, 4340, 4341, 4342, 4343, 4344, 4345, 4346, 4347, 4348, 4349, 4350, 4351, 4352, 4353, 4354, 4355, 4356, 4357, 4358, 4359, 4360, 4361, 4362, 4363, 4364, 4365, 4366, 4367, 4368, 4369, 4370, 4371, 4372, 4373, 4374, 4375, 4376, 4377, 4378, 4379, 4380, 4381, 4382, 4383, 4384, 4385, 4386, 4387, 4388, 4389, 4390, 4391, 4392, 4393, 4394, 4395, 4396, 4397, 4398, 4399, 4400, 4401, 4402, 4403, 4404, 4405, 4406, 4407, 4408, 4409, 4410, 4411, 4412, 4413, 4414, 4415, 4416, 4417, 4418, 4419, 4420, 4421, 4422, 4423, 4424, 4425, 4426, 4427, 4428, 4429, 4430, 4431, 4432, 4433, 4434, 4435, 4436, 4437, 4438, 4439, 4440, 4441, 4442, 4443, 4444, 4445, 4446, 4447, 4448, 4449, 4450, 4451, 4452, 4453, 4454, 4455, 4456, 4457, 4458, 4459, 4460, 4461, 4462, 4463, 4464, 4465, 4466, 4467, 4468, 4469, 4470, 4471, 4472, 4473, 4474, 4475, 4476, 4477, 4478, 4479, 4480, 4481, 4482, 4483, 4484, 4485, 4486, 4487, 4488, 4489, 4490, 4491, 4492, 4493, 4494, 4495, 4496, 4497, 4498, 4499, 4500, 4501, 4502, 4503, 4504, 4505, 4506, 4507, 4508, 4509, 4510, 4511, 4512, 4513, 4514, 4515, 4516, 4517, 4518, 4519, 4520, 4521, 4522, 4523, 4524, 4525, 4526, 4527, 4528, 4529, 4530, 4531, 4532, 4533, 4534, 4535, 4536, 4537, 4538, 4539, 4540, 4541, 4542, 4543, 4544, 4545, 4546, 4547, 4548, 4549, 4550, 4551, 4552, 4553, 4554, 4555, 4556, 4557, 4558, 4559, 4560, 4561, 4562, 4563, 4564, 4565, 4566, 4567, 4568, 4569, 4570, 4571, 4572, 4573, 4574, 4575, 4576, 4577, 4578, 4579, 4580, 4581, 4582, 4583, 4584, 4585, 4586, 4587, 4588, 4589, 4590, 4591, 4592, 4593, 4594, 4595, 4596, 4597, 4598, 4599, 4600, 4601, 4602, 4603, 4604, 4605, 4606, 4607, 4608, 4609, 4610, 4611, 4612, 4613, 4614, 4615, 4616, 4617, 4618, 4619, 4620, 4621, 4622, 4623, 4624, 4625, 4626, 4627, 4628, 4629, 4630, 4631, 4632, 4633, 4634, 4635, 4636, 4637, 4638, 4639, 4640, 4641, 4642, 4643, 4644, 4645, 4646, 4647, 4648, 4649, 4650, 4651, 4652, 4653, 4654, 4655, 4656, 4657, 4658, 4659, 4660, 4661, 4662, 4663, 4664, 4665, 4666, 4667, 4668, 4669, 4670, 4671, 4672, 4673, 4674, 4675, 4676, 4677, 4678, 4679, 4680, 4681, 4682, 4683, 4684, 4685, 4686, 4687, 4688, 4689, 4690, 4691, 4692, 4693, 4694, 4695, 4696, 4697, 4698, 4699, 4700, 4701, 4702, 4703, 4704, 4705, 4706, 4707, 4708, 4709, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717, 4718, 4719, 4720, 4721, 4722, 4723, 4724, 4725, 4726, 4727, 4728, 4729, 4730, 4731, 4732, 4733, 4734, 4735, 4736, 4737, 4738, 4739, 4740, 4741, 4742, 4743, 4744, 4745, 4746, 4747, 4748, 4749, 4750, 4751, 4752, 4753, 4754, 4755, 4756, 4757, 4758, 4759, 4760, 4761, 4762, 4763, 4764, 4765, 4766, 4767, 4768, 4769, 4770, 4771, 4772, 4773, 4774, 4775, 4776, 4777, 4778, 4779, 4780, 4781, 4782, 4783, 4784, 4785, 4786, 4787, 4788, 4789, 4790, 4791, 4792, 4793, 4794, 4795, 4796, 4797, 4798, 4799, 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807, 4808, 4809, 4810, 4811, 4812, 4813, 4814, 4815, 4816, 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4831, 4832, 4833, 4834, 4835, 4836, 4837, 4838, 4839, 4840, 4841, 4842, 4843, 4844, 4845, 4846, 4847, 4848, 4849, 4850, 4851, 4852, 4853, 4854, 4855, 4856, 4857, 4858, 4859, 4860, 4861, 4862, 4863, 4864, 4865, 4866, 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4874, 4875, 4876, 4877, 4878, 4879, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898, 4899, 4900, 4901, 4902, 4903, 4904, 4905, 4906, 4907, 4908, 4909, 4910, 4911, 4912, 4913, 4914, 4915, 4916, 4917, 4918, 4919, 4920, 4921, 4922, 4923, 4924, 4925, 4926, 4927, 4928, 4929, 4930, 4931, 4932, 4933, 4934, 4935, 4936, 4937, 4938, 4939, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4947, 4948, 4949, 4950, 4951, 4952, 4953, 4954, 4955, 4956, 4957, 4958, 4959, 4960, 4961, 4962, 4963, 4964, 4965, 4966, 4967, 4968, 4969, 4970, 4971, 4972, 4973, 4974, 4975, 4976, 4977, 4978, 4979, 4980, 4981, 4982, 4983, 4984, 4985, 4986, 4987, 4988, 4989, 4990, 4991, 4992, 4993, 4994, 4995, 4996, 4997, 4998, 4999, 5000.

Subpart A—General

§ 22.1 Scope of this part.

(a) These Consolidated Rules of Practice govern all administrative adjudicatory proceedings for:

- (1) The assessment of any administrative civil penalty under section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (7 U.S.C. 136(a));
- (2) The assessment of any administrative civil penalty under sections 113(d), 205(c), 211(d) and 213(d) of the Clean Air Act, as amended (42 U.S.C. 7413(d), 7524(c), 7545(d) and 7547(d));
- (3) The assessment of any administrative civil penalty or for the revocation or suspension of any permit under section 105(a) and (f) of the Marine Protection, Research, and Sanctions Act as amended (33 U.S.C. 1415(a) and (f));
- (4) The issuance of a compliance order or the issuance of a corrective action order, the termination of a permit pursuant to section 3008(a)(3), the suspension or revocation of authority to operate pursuant to section 3005(e), or the assessment of any civil penalty under sections 3008, 3006, and 11005 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6925(d), 6925(e), 6928, 6991e, and 6992d), except as provided in part 24 of this chapter;
- (5) The assessment of any administrative civil penalty under sections 16(a) and 207 of the Toxic Substances Control Act (15 U.S.C. 2615(a) and 2647);
- (6) The assessment of any Class II penalty under sections 309(g) and 311(b)(6), or termination of any permit issued pursuant to section 402(a) of the Clean Water Act, as amended (33 U.S.C. 1319(g), 1321(b)(6), and 1342(a));
- (7) The assessment of any administrative civil penalty under section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9609);
- (8) The assessment of any administrative civil penalty under section 321 of the Emergency Planning and Community Right-To-Know Act of 1990 ("EPCRA") (42 U.S.C. 11045);
- (9) The assessment of any administrative civil penalty under section

Subpart A—General

- Sec.
- 22.1 Scope of this part.

22.32 Motion to reconsider a final order.



United States
Environmental Protection
Agency

Office of Enforcement and Compliance Assurance (2201A)
EPA 300-F-03-001 October 2003

Office of Enforcement and Compliance Assurance INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:
www.epa.gov/clearinghouse

Pollution Prevention Clearinghouse
www.epa.gov/opptintr/library/ppicindex.htm

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
www.epa.gov

Small Business Assistance Program
www.epa.gov/ttn/sbap

Compliance Assistance Home Page
www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance
www.epa.gov/compliance

Small Business Ombudsman
www.epa.gov/sbo

Innovative Programs for Environmental Performance
www.epa.gov/partners

Office of Enforcement and Compliance Assurance: <http://www.epa.gov/compliance>



Recycled/Recyclable
Printed with Soy/Canola Ink on paper that contains at least 30% post consumer fiber